IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

Crl.Rev.Pet.No. 5 of 1998(A)

(AGAINST THE JUDGMENT DT. 12/08/1996 IN CC NO. 763/94 ON THE FILE OF THE JUDICIAL MAGISTRATE OF THE I CLASS, VADAKARA AND JUDGMENT DT. 6/10/97 IN CRL. APPEAL NO. 223/1996 ON THE FILE OF THE COURT OF SESSIONS, KOZHIKODE DIVISION)

REVN. PETITIONER/APPELLANT/ACCUSED:

M.MOHAMMED,
S/O. ALIKKUTTY, AGED 57 YRS,
PRESENTLY RESIDING AT JALEEL HOUSE,
P.O. VAIKKILASSERY, VADAKARA-4.

BY ADV. SRI.C.VATHSALAN

RESPONDENTS/RESPONDENTS/COMPLAINT:

1. **K.V. RAJAGOPALAN, S/O. KANNA KURUP,**
   P.O. MEPPAYIL, VIA VADAKARA, KOZHIKODE DIST.

2. **STATE OF KERALA, REP. BY PUBLIC PROSECUTOR,**
   HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CMP NO. 26/1998 IN CRL. RP NO. 5/1998.

DISMISSED

10/07/2007. SD/- K.R.UDAYABHANU, JUDGE.

TRUE COPY

K.R. UDAYABHANU, J.

CRL.R.P.NO.5 OF 1998

DATED THIS THE 9th July 2007

ORDER

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for three months. The cheque amount involved is Rs.25,000/-. It is the case of the revision petitioner that a blank cheque was issued as security for the borrowal of Rs.10,000/-.

2. Counsel for the revision petitioner has only sought for modification of sentence.

3. In the circumstances the conviction is confirmed and the sentence is modified to undergo imprisonment till the rising of the court and to pay a compensation of Rs.25,000/-(Rupees twenty five thousand) to the complainant and in default to undergo simple imprisonment for three months. The revision petitioner is granted one month's time form today onwards to pay the amount. He shall appear before the Judicial Magistrate of First Class, Vadakara on 6-8-2007 to receive sentence. The Crl.revision petition is disposed of accordingly.

ks. **K.R.UDAYABHANU, JUDGE**

K.R.UDAYABHANU, J

CRL.R.P.NO. 5 OF 1998

ORDER

10-7-2007